



# REGULATORY GUIDE

OFFICE OF NUCLEAR REGULATORY RESEARCH

## REGULATORY GUIDE 3.66

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# STANDARD FORMAT AND CONTENT OF FINANCIAL ASSURANCE MECHANISMS

## A. INTRODUCTION

This regulatory guide provides guidance for the financial assurance mechanisms required for decommissioning leading to termination of a materials license. At the end of licensed operations, licensees must maintain all financial assurance established pursuant to Title 10 of the Code of Federal Regulations (10 CFR). In particular, licensees are required to demonstrate compliance with the following parts of 10 CFR:

- Part 30, “Rules of General Applicability to Domestic Licensing of Byproduct Material”
- Part 40, “Domestic Licensing of Source Material”
- Part 70, “Domestic Licensing of Special Nuclear Material”
- Part 72, “Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste, and Reactor Related Greater Than Class C Waste”

U.S. Nuclear Regulatory Commission (NRC) licensees must demonstrate financial assurance for decommissioning and, if applicable, for site control and maintenance following license termination.

This regulatory guide endorses the method described in the current revisions of NUREG-1757, Volume 1, “Consolidated Decommissioning Guidance: Decommissioning Process for Materials Licensees” (Ref. 1), and Volume 3, “Consolidated NMSS Decommissioning Guidance: Financial Assurance, Recordkeeping, and Timeliness” (Ref. 3), as a process that has been found acceptable to the NRC for meeting the regulatory requirements.

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The NRC issues regulatory guides to describe and make available to the public methods that the NRC staff considers acceptable for use in implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in reviewing applications for permits and licenses. Regulatory guides are not substitutes for regulations, and compliance with them is not required. Methods and solutions that differ from those set forth in regulatory guides will be deemed acceptable if they provide a basis for the findings required for the issuance or continuance of a permit or license by the Commission.

This guide was issued after consideration of comments received from the public.

Regulatory guides are issued in 10 broad divisions—1, Power Reactors; 2, Research and Test Reactors; 3, Fuels and Materials Facilities; 4, Environmental and Siting; 5, Materials and Plant Protection; 6, Products; 7, Transportation; 8, Occupational Health; 9, Antitrust and Financial Review; and 10, General.

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The NRC's financial assurance requirements for decommissioning apply only to licensees authorized to possess or use certain quantities and types of licensed materials. The minimum possession or use thresholds that trigger the requirements vary, depending on the type of license and the types and quantities of materials authorized under the particular license. Volume 1 of NUREG-1757 identifies the minimum thresholds for each type of license. Volume 3 of NUREG-1757 contains the standard format for presenting the information to NRC that will (1) aid the licensee in ensuring that the information is complete, (2) ensure that applicable requirements in 10 CFR Parts 30, 40, 70, and 72 have been met, and (3) achieve the intent of the regulations. This will ensure that the decommissioning of all licensed facilities will be accomplished in a safe and timely manner and that licensees will have adequate funds available to cover all costs associated with decommissioning and, if applicable, with site control and maintenance.

This regulatory guide contains information collections that are covered by the requirements of 10 CFR Parts 20, 30, 40, 70, and 72 and that the Office of Management and Budget (OMB) approved under OMB control numbers 30150-0014, 3150-0017, 3150-0020, 3150-0009, and 3150-0132, respectively. The NRC may neither conduct nor sponsor, and a person is not required to respond to, an information collection request or requirement unless the requesting document displays a currently valid OMB control number.

## **B. DISCUSSION**

As part of its redesign of the materials license program, the NRC consolidated and updated numerous decommissioning guidance documents into NUREG-1757, "Consolidated Decommissioning Guidance." The three volumes of NUREG-1757 are titled as follows:

- Volume 1 "Decommissioning Process for Materials Licensees" (Ref. 1)
- Volume 2 "Characterization, Survey, and Determination of Radiological Criteria" (Ref. 2)
- Volume 3 "Financial Assurance, Recordkeeping, and Timeliness" (Ref. 3)

These three volumes provide approved agency guidance and supersede the guidance in Regulatory Guide 3.66, "Standard Format and Content of Financial Assurance Mechanisms Required for Decommissioning Under 10 CFR Parts 30, 40, 70, and 72," issued June 1990; NUREG-1727, "NMSS Decommissioning Standard Review Plan," issued September 2000; and NUREG/BR-0241, "NMSS Handbook for Decommissioning Fuel Cycle and Materials Licensees" issued March 1997.

Volume 1 of NUREG-1757 provides a risk-informed, performance-based approach to the information needed to support an application for decommissioning a materials license and complying with the radiological criteria for license termination in Subpart E, "Radiological Criteria for License Termination," of 10 CFR Part 20, "Standards for Protection Against Radiation."

Volume 3 of NUREG-1757 provides guidance on the technical aspects of compliance with the Timeliness Rule, "Timeliness in Decommissioning of Materials Facilities" (page 36026 in Volume 59 of the Federal Register (59 FR 36026)), the financial assurance requirements set forth as part of the decommissioning rulemaking in 1998 (53 FR 24018), and the recordkeeping requirements set forth as part of the technical and financial criteria for decommissioning licensed nuclear facilities (53 FR 24018 and 58 FR 39628). Specifically, Volume 3 of NUREG-1757 provides approved agency guidance for demonstrating compliance with the following:

- 10 CFR 30.35, 40.36, 70.25, and 72.30, all of which are entitled, “Financial assurance and recordkeeping for decommissioning”
- 10 CFR 30.36, 40.42, 70.38, and 72.54, all of which are entitled, “Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas”

The approaches to license termination described in Volumes 1 and 3 of NUREG-1757 will assist in identifying the information (subject matter and level of detail) needed to terminate a license by considering the specific circumstances of the wide range of radioactive materials users licensed by the NRC. The NRC staff will use the guidance in NUREG-1757 when reviewing license termination requests.

## **C. REGULATORY POSITION**

This regulatory guide endorses the method described in the current revisions of Volumes 1 and 3 of NUREG-1757 as a process that has been found acceptable to the NRC for meeting the regulatory requirements for financial assurance mechanisms required for decommissioning leading to termination of a materials license.

## **D. IMPLEMENTATION**

The purpose of this section is to provide information to applicants and licensees regarding the NRC’s plans for using this regulatory guide. The NRC does not intend or approve any imposition or backfit in connection with its issuance.

In some cases, applicants or licensees may propose or use a previously established acceptable alternative method for complying with specified portions of the NRC’s regulations. Otherwise, the methods described in this guide will be used in evaluating compliance with the applicable regulations for license applications, license amendment applications, and amendment requests.

## REFERENCES

1. U.S. Nuclear Regulatory Commission, “Consolidated Decommissioning Guidance: Decommissioning Process for Materials Licensees,” NUREG-1757, Volume 1, Washington DC, most current date and revision.<sup>1</sup> (<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1757/> .)
2. U.S. Nuclear Regulatory Commission, “Consolidated Decommissioning Guidance: Characterization, Survey, and Determination of Radiological Criteria,” NUREG-1757, Volume 2, Washington DC, most current date and revision.<sup>1</sup> (See <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1727/> .)
3. U.S. Nuclear Regulatory Commission, “Consolidated NMSS Decommissioning Guidance: Financial Assurance, Recordkeeping, and Timeliness,” NUREG-1757, Volume 3, Washington DC, most current date and revision.<sup>1</sup> (See <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1727/> .)

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<sup>1</sup> The U.S. Nuclear Regulatory Commission published the three-volume NUREG-series identified herein. These volumes are available electronically through the Electronic Reading Room on the NRC’s public Web site, at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/>. Copies are also available for inspection or copying for a fee from the NRC’s Public Document Room (PDR) at 11555 Rockville Pike, Rockville, MD; the mailing address is USNRC PDR, Washington, DC 20555; telephone (301) 415-4737 or (800) 397-4209; fax (301) 415-3548; email [PDR@nrc.gov](mailto:PDR@nrc.gov). In addition, copies are available at current rates from the U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20402-9328, telephone (202) 512-1800, or from the National Technical Information Service (NTIS), at 5285 Port Royal Road, Springfield, VA 22161, online at <http://www.ntis.gov>, by telephone at (800) 553-NTIS (6847) or (703) 605-6000, or by fax to (703) 605-6900.